

MINUTES OF THE CONFERENCE CALL MEETING
Board of Mental Health Practice
May 14, 2021

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:04 a.m. at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level B, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web 5.4.2021 and revised agenda posted 5.5.2021.

The following members answered roll call:

Members Present (8):

Laurie Andrews, Member
Dale Battleson, Chair (in LL-B)
Batter, Sara, Member (in LL-B)
Janeen Gill, Secretary (in LL-B)
Mychelle Martinez, Member (in LL-B)
Susan Meyerle, Member
Susan Reay, Member (in LL-B)
Sarita Ruma, Member

Members Absent (2):

Cassandra Dittmer, Member
David Hof, Vice Chair

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in LL-B)
Mindy Lester, Assistant Attorney General (in LL-B)
Mark Meyerson, Investigations (in LL-B)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Gill moved, seconded by Reay, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay, Ruma (8). Voting nay: None (0). Absent: Dittmer, Hof (2). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES

MOTION: Ruma moved, seconded by Meyerle, to approve the minutes of 3.5.2021. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay, Ruma (8). Voting nay: None (0). Absent: Dittmer, Hof (2). Abstain: None (0). Motion carried.

4. REGULATION DISCUSSION: Status of 172 NAC 94 (to AG Office 8.11.2020)

No change in status

5. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION

MOTION: Gill moved, seconded by Martinez, to enter into closed session at 9:11 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Battleson repeated the motion purpose. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay, Ruma (8). Voting nay: None (0). Absent: Dittmer, Hof (2). Abstain: None (0). Motion carried.

9:21 a.m. Meyerson exited the meeting room

10:19 a.m. Meeting Break
10:33 a.m. Meeting resumed
10:54 a.m. Ruma exited the call
11:00 a.m. Gill exited the room – conflict of interest
11:12 a.m. Gill entered the room

11:14 a.m. Meeting returned to Open Session

6. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT **Applications, Mail Ballot Summary Report and Reinstatements**

Initial Application Reviews (Convictions)

Kathy Carr – Provisional Mental Health Practitioner

MOTION: Batter moved, seconded by Reay, to recommend a 6-month probationary license; must pass the jurisprudence examination within 90 days of issuance. Basis for recommendation: Convictions and previous disciplinary action on her Certificate as an Alcohol and Drug Abuse Counselor. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay (7). Voting nay: None (0). Absent: Dittmer, Hof, Ruma (3). Abstain: None (0). Motion carried.

Sarah Riva – Provisional Mental Health Practitioner

MOTION: Andrews moved, seconded by Reay, to issue the license with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay (7). Voting nay: None (0). Absent: Dittmer, Hof, Ruma (3). Abstain: None (0). Motion carried.

Veronica Woods – Provisional Mental Health Practitioner

MOTION: Batter moved, seconded by Gill, to issue the license with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay (7). Voting nay: None (0). Absent: Dittmer, Hof, Ruma (3). Abstain: None (0). Motion carried.

Jennifer Woody – Provisional Mental Health Practitioner

MOTION: Reay moved, seconded by Gill, to recommend denial of the license. Basis for recommendation: History of Convictions, History of substance use, Lack of good character, and currently on supervised release through the US District Court. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Martinez, Meyerle, Reay (7). Voting nay: None (0). Absent: Dittmer, Hof, Ruma (3). Abstain: None (0). Motion carried.

Skyler Dykes, Attorney for the Nebraskans for the Arts, and Others entered the call

7. UPDATES AND REPORTS

a. 2021 Legislation (Art Therapy, Other)

<https://nebraskalegislature.gov>

Reay provided the following information (highlights):

- She represented the MHP board in conversations with the Nebraskans for the Arts and provided feedback and conversation about the bill and amendment
- Art therapists were very responsive to her comments
- She testified in opposition at the legislative hearing, believes art therapy (as defined in the bill) is a specialty for modalities rather than a separate licensed profession

Dykes stated that she appreciated Reay's discussions throughout the process. The bill is not moving forward this year and will roll over to the 2022 legislative session. She stated that she looks forward to continued conversations with the MHP board.

Dykes indicated that they had visited with the music therapy coalition and the current status of the 407 process. The 407 proposal states a bachelor's degree would be required, whereas the art therapists are

requiring a master's degree. She was not sure if they will propose to be included under the Mental Health Practice Act. May revisit conversations if they consider MHP Board oversight.

NOTE: The Credentialing Review (407) Program was created to review proposals for changes in scope of practice or for new credentialing on the part of representatives of Nebraska health professions.

Other discussion items were:

- The bill appears to limit practice of LMHP's who currently call themselves art therapists.
- There is no grandparenting clause.
- How does the bill protect the public.
- There appears to be a lack of legal structure.
- How does the bill protect the public

Dykes responded that:

- The bill says 'certified art therapist' not a licensed art therapist.
- It would not stop a MHP/LIMHP from providing art therapy or calling themselves art therapists, but would prohibit using the term 'certified art therapist' (similar to MFT, CPC).

CREDENTIALING REVIEW: MUSIC THERAPY

<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Martinez reported the following:

- At the March committee meeting, individuals provided examples of harm to patients.
- No way to see if harm from non-license persons.
- Change in billing practices in Medicaid and in School Districts.
- Addressed education of Music Therapists (AMCA) required.
- Next meeting June 4 (this is the final meeting of the committee).

Dykes exited the call at 11:44 a.m.

b. COVID 19: Executive Orders, Renewals, Directed Health Measures

<https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

Executive Orders 20-10 and 20-37 are still in effect; renewals are currently set to expire June 30, 2021, but could be extended if the State of Emergency is not lifted. Licensees will be sent email notification when the expiration date is confirmed.

c. Association and Committee Updates:

- AASCB <http://www.aascb.org>

Meyerle reported she participated in the virtual meeting; there are specific certifications and specializations in other states under the licensed professional counselor.

- AMFTRB <http://www.amftrb.org>

Battleson reported the next meeting is in September

- ASWB <http://www.aswb.org>

Reay reported the Spring education meeting was several weeks ago, looking into national licensing.

- Justice Behavioral Health Committee

Next meeting June 9th

- d. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed

Date of Reports: 1.1.2021 to 5.13.2021

Active licenses/certificates:

EO 20-27 LIMHP:	1
EO 20-27 LMHP	1
LIMHP:	2376
MFT:	118
MSW:	1129
CMSW only:	53
MHP:	2672
CPC:	1053
PLMHP:	1177
PCMSW:	371
CSW:	698

Renewals:

LIMHP:	1024 (1155 to renew)
LMHP:	969 (1568 to renew)

Disciplinary and Non-Disciplinary Actions (Assurance of Compliance):

Suspensions:	2
Probations:	3
Revocation:	1
Voluntary Surrender:	1
Assurance of Compliance:	1

8. ADJOURNMENT

Battleson declared the meeting adjourned at 12:06 p.m.; next meeting July 9, 2021.

L. Janeen Gill, Secretary
Board of Mental Health Practice

Summarized by: Kris Chiles, Program Manager, Licensure Unit